

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

Case No. 23-cv-10365-LJL
[rel. 1:24-cv-01644-LJL]
[rel. 1:24-cv-000367-LJL]

SUPPLEMENTAL DECLARATION OF ALAN M. KLINGER

I, Alan M. Klinger, declare under penalty of perjury that the following statements are true and correct:

1. I am an attorney licensed and admitted to practice in the State of New York and a partner at Steptoe LLP, attorneys for Plaintiffs in the above-referenced matter. I submit this Declaration in support of Plaintiffs' Reply Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to Defendants' Cross-Motion for Summary Judgment.

2. Attached hereto as **Exhibit 1** is a non-exclusive chart of issues raised in the public comment period pertaining to the issues also raised in Plaintiffs' brief.

3. Attached hereto as **Exhibit 2** is a chart containing a list of 360 schools that are located within the same zip code as exempted thoroughfares under the Congestion Pricing program. While the exact distances from the thoroughfares may vary, Defendants' mitigation chart indicates that only 25-40 unknown schools "depending on school size" will receive funding from the \$10 million allocated for place-based mitigation program to "Install Air

Filtration Units in Schools Near Highways.” The Environmental Assessment suggests that schools will qualify if located “within 300 meters of highways where truck traffic is projected to increase,” but there is no listing of such schools.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 15, 2024
New York, New York

/s/ Alan M. Klinger

Alan M. Klinger